CONSTITUTIONAL LAW—ADMIRALTY JURISDICTION—ACT OF CONGRESS REVIVING STATE COMPENSATION LAWS FOR MARITIME INJURIES.—The claimant, a stevedore, was injured while at work on board ship on February 26, 1918. By Act of October 6, 1917, Congress amended the Judicial Code dealing with the grant of admiralty jurisdiction to federal courts, so as to save "to claimants the rights and remedies under the compensation law of any state." On April 17, 1918, the New York Legislature re-enacted the compensation law previously held unconstitutional as to maritime injuries in the *Jensen* case. *Held,* that the claimant was entitled to compensation under the New York Workmen's Compensation Law. *Cimmino v. John T. Clark & Son* (1918, App. Div.) 172 N. Y. Supp. 478.

This is another attempt to evade the unfortunate results of the decision in *Southern Pacific Co. v. Jensen* (1917) 244 U. S. 205, 37 Sup. Ct. 524, discussed in (1917) 27 YALE LAW JOURNAL, 255. The court relies without comment upon the Act of Congress of Oct. 6, 1917, 40 U. S. St. at L. 395. It does not discuss the questions as to the constitutionality and effectiveness of this Act, referred to in the Comment thereon in (1918) 27 YALE LAW JOURNAL, 924, 926. It merely cites and relies upon the case there criticised, *Veasey v. Peters* (1918, La.) 77 So. 948. Assuming the constitutionality of the Congressional Act, an interesting question arises whether the remedies it purports to save to claimants can be availed of without a re-enactment after the passage of the Act of Congress of the state compensation laws. Apparently in order to avoid giving the New York law of April 17, 1918, a retroactive operation, the court held that it was unnecessary to re-enact the provisions of the prior compensation law relating to maritime injuries and that these provisions were revived and made operative by the mere passage of the Act of Congress. This, it is submitted, raises a very debatable question. The analogy, suggested by the court, of state statutes validly passed but suspended while acts of Congress are in force, seems not well taken. In view of the *Jensen* case, the situation is rather one of "a law enacted in the unauthorized exercise of a power exclusively confided to Congress." See *Re Rahrer* (1891) 140 U. S. 545, 565, 11 Sup. Ct. 865, 875. Nor does the case which the court relies upon—*Allison v. Corker* (1901) 67 N. J. L. 596, 600, 52 Atl. 362, 363—supply authority for the proposition claimed, for that case held only that a statute which is unconstitutional may, after removal of the constitutional restriction, be imported into valid legislation by appropriate reference, the matter being one purely of identification. It is commonly declared that an unconstitutional statute is absolutely null and is not validated by subsequent removal of the constitutional restriction. *Norton v. Shelby County* (1886) 118 U. S. 425, 442, 6 Sup. Ct. 1121, 1125 (*semble*); *State v. Tufly* (1890) 20 Nev. 427, 22 Pac. 1054 (statute void *in toto*); Cooley, *Const. Limitations* (7th ed.) 259. This principle, if sound as applied to a statute unconstitutional in part, as Cooley declares, is contrary to the court's decision. But at least one New York case, though not cited by the court, furnishes some support for its opinion. *People v. Roberts* (1896) 148 N. Y. 360, 42 N. E. 1082 (state civil service law unconstitutional as applied to a certain office). The problem can scarcely be settled by logic. A statute void *in toto* may well be treated as thrown into the discard, and it would be inconvenient, when a constitutional restriction is removed, to have to search all such discarded legislation to see if it were not revived. But where a statute has in the main remained operative, the extension of it to a new field, within its terms but excluded by a constitutional restriction now removed, seems somewhat less unreasonable.